



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 14, 2023

By ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Lydell Seymore*, 22 CR 56 (KPF)

Dear Judge Failla,

On behalf of the parties, the Government respectfully writes to request an adjournment of the conference scheduled on March 16, 2023 at 4:00 PM for approximately two weeks. As the Government informed the Court on December 14, 2022 and further discussed on the record before the Court on December 15, 2022, the defendant is charged in *United States v. Boss Terrell, et al.*, S1 22 CR 343 (JMF) with committing multiple crimes, including a conspiracy to commit racketeering, in violation of 18 U.S.C. § 1962(d), in furtherance of which the defendant is charged with having committed a murder on or about June 26, 2020, among other acts of violence. On March 28, 2023, the parties now expect to appear before Judge Furman in connection with S1 22 CR 343 (JMF), at which time the parties expect Judge Furman to set a schedule for pre-trial motion proceedings and for trial in that related case in which the defendant is charged together with ten other defendants. Because the related cases intersect factually and legally on an extensive basis, the parties respectfully submit that permitting the related cases to progress in parallel will achieve substantial judicial economy as well as a just result for the defendant, who will not be required to defend related cases in succession, particularly where the related case that was brought last carries far greater possible penal consequences. Finally, with the consent of the defendant, the Government respectfully requests an exclusion of time under the Speedy Trial Act through the date of any adjournment, pursuant to 18 U.S.C. § 3161(h)(7) on the basis that the interests of the defendants and the public in a speedy trial are outweighed here by the ends of justice served by permitting the parties to come before the Court at a time consistent with the interest of both parties.

and the public in progressing or resolving the two related cases in unison, which in the first instance is past the date of the conference on March 28, 2023 for S1 22 CR 343 (JMF).

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: Thomas John Wright
Thomas John Wright
Courtney L. Heavey
Assistant United States Attorney
(212) 637-2295 / 2413

cc: David Bertan (Counsel for Defendant Lydell Seymore) (by ECF)

Application GRANTED. The conference currently scheduled for March 16, 2023, is hereby ADJOURNED to **March 30, 2023, at 11:00 a.m.** The parties should be prepared to discuss progressing both cases in parallel at that time.

It is further ORDERED that time is excluded under the Speedy Trial Act between March 16, 2023, and March 30, 2023. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and the defendant in a speedy trial because it will permit both parties to progress or resolve the two related cases in unison.

Dated: March 14, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE